

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ENRIQUE R. CORDOVA,

Plaintiff,

vs.

POLICE OFFICER JEFF ELY,

Defendant.

NO. CV-11-3066-CI

**ORDER DENYING DEFENDANT'S
MOTION FOR ATTORNEY FEES AND COSTS**

Judgment was entered in Defendant Jeff Ely's favor on August 14, 2012. ECF No. [33](#). Thereafter, Defendant filed a Motion for Attorney Fees and a proposed Bill of Costs. ECF Nos. [34](#) & [38](#). On October 22, 2012, Magistrate Judge Cynthia Imbrogno recommended the Court deny Defendant's motion and decline to award costs because *pro se* Plaintiff Enrique Cordova's unmeritorious claims were not frivolous. ECF No. [39](#). No objections were filed to the Magistrate Judge's Report and Recommendation.

After reviewing the Report and Recommendation in light of the record, **IT IS HEREBY ORDERED:**

1. The Magistrate Judge's Report and Recommendation, **ECF No. [39](#)**, is **ADOPTED** in its entirety.

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2. Defendant's Motion for Attorney Fees, **ECF No. 34**, and Proposed Bill of Costs, **ECF No. 38**, are **DENIED**. Both parties shall bear their own costs.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide a copy to Plaintiff and defense counsel.

DATED this 8th day of November 2012.

S/ Edward F. Shea

EDWARD F. SHEA

Senior United States District Judge

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